

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JOSHUA MELLO and RACHEL WARE,
Plaintiffs,

vs.

DEREK GUSTAFSON, TIMOTHY VESEY,
STEVEN CATALANO, JOHN ROCCHIO and
EDWARD ARRUDA

Defendants

C.A. No. 1:23-cv-000480-JJM-LLM

DEFENDANTS' REPLY TO PLAINTIFFS' OBJECTION TO DEFENDANTS'
PARTIAL MOTION TO DISMISS

Defendants object to Plaintiffs, Joshua Mello (“Plaintiff Mello”) and Rachel Ware (“Plaintiff Ware”) (collectively hereinafter “Plaintiffs”) request to have Attorney Julia K. Scott-Benevides (“Attorney Benevides”) removed from this case. Plaintiffs continue to allege in several motions that Attorney Benevides was “unethical” in attending Plaintiff Mello’s hearing on his postconviction proceedings in the Third Division District Court on December 18, 2023, in that she allegedly “condone[d] the persistent misconduct exhibited by Mr. Catalano, as plainly demonstrated before the court alongside Mr. Millea.” While Attorney Benevides does not believe there was any “persistent misconduct” by Attorney Catalano and Attorney Millea, Attorney Benevides does not represent Attorney Steven Catalano (“Attorney Catalano”) or Attorney Christopher Millea (“Attorney Millea”) in Plaintiff Mello’s post-conviction relief proceedings. Like any other individual from the public, Attorney Benevides is allowed to observe public proceedings before the State and Federal Court. On December 18, 2023, Attorney Benevides was observing Plaintiff Mello’s postconviction relief proceeding and indicated the same to the Court.

Mello, et al, v. Derek Gustafson, et al
C.A. No. 23-cv-000480-JJM-LDA

By their Attorney,

/s/ Marc DeSisto

Marc DeSisto, Esq. (#2757)

/s/ Julia K. Scott- Benevides

Julia K. Scott- Benevides, Esq. (#10408)

DeSisto Law LLC

60 Ship Street

Providence, RI 02903

(401) 272-4442

julia@desistolaw.com

CERTIFICATION

I hereby certify that the within document has been electronically filed with the Court on the 14th day of February, 2024, and is available for viewing and downloading from the ECF system.

I further certify that a true and accurate copy of the within was emailed and mailed, postage prepaid, to:

Joshua Mello
57 Rolfe Square, Unit 10113
Cranston, RI 02910
kskustomsrideons@gmail.com

Rachel Ware
57 Rolfe Square, Unit 10113
Cranston, RI 02910
kskustomsrideons@gmail.com

/s/ Julia K. Scott- Benevides